

**THE WALL STREET JOURNAL****Computers: Microsoft to Pay a Patent Fee in IBM Accord***Wall Street Journal, New York, Jun 29, 1992; Miller, Michael W.***Edition:** Eastern edition**Start Page:** PAGE B1**ISSN:** 00999660**Subject Terms:** Software

Settlements &amp; damages

Royalties

Research &amp; development

R&amp;D

Patents

Computer industry

**Companies:** Microsoft Corp

IBM Corp

**Abstract:**

*Following a nine-month dispute over software royalties, Microsoft Corp agreed to pay IBM Corp \$20 million to \$30 million to resolve a messy divorce battle between the two computer giants. The original dispute involved royalties for the OS/2 software they developed jointly, but grew to include a one-time patent fee for more than 1,000 IBM patents related to software.*

**Full Text:***Copyright Dow Jones & Company Inc Jun 29, 1992*

Microsoft Corp. will pay International Business Machines Corp. between \$10 million and \$35 million to resolve a messy divorce battle between the two computer giants.

The payment results from a novel hardball gambit by IBM amid the two companies' nine-month dispute over software royalties. IBM surprised Microsoft by brandishing a secret weapon: a portfolio of more than 1,000 patents relating to software, covering procedures as basic as the way a cursor moves when a user hits the "tab" key.

IBM had never before demanded a patent license from a company in the software industry -- where patent coverage is new and controversial. Moreover, the two companies had originally been disputing an altogether different subject -- royalties for the OS/2 software they jointly developed.

Nevertheless, Microsoft ultimately conceded the IBM patents were so numerous and basic that it was willing to pay a large one-time fee for them, according to officials close to the talks. The two companies did reach terms on OS/2 royalties, which they refused to disclose. A Microsoft official suggested the royalties were roughly \$20 to \$25 a copy, but an IBM official insisted that figure is too high.

The Wall Street Journal reported last week that IBM and Microsoft had reached a resolution. The two companies had planned to announce the pact in early July, but rushed out an official announcement over the weekend.

While the resolution brings down the curtain on a historic 12-year partnership between IBM and Microsoft, its arcane details won't have any significant impact on consumers. IBM and Microsoft launched rival personal-computer strategies more than a year ago. Ever since, PC buyers have been

deluged with competing, often confusing claims about Microsoft's Windows operating system and OS/2, which the post-divorce IBM is aggressively pushing on its own.

Operating systems, the internal programs that control a PC's most basic workings, command rich royalties and influence the shape of the entire software industry. IBM bought its first PC operating system in 1980 from an obscure, young hacker named Bill Gates, who parlayed that deal to make Microsoft the industry's most influential company and to become one of the world's richest men.

Steven Ballmer, who was one of Mr. Gates's first employees, yesterday likened the Microsoft-IBM relationship to a failed marriage and said the recent dispute was analogous to a fight over a pre-nuptial agreement.

"We didn't even agree what the pre-nup said," said Mr. Ballmer, now Microsoft's executive vice president. "Now we're divorced --- there's no doubt about that."

He admitted that IBM's voluminous software patents were a potent weapon at the bargaining table. "There was a point at which it made sense for us not to have to make an issue out of the patents," he said.

IBM executives said they were relieved to clear the air about the contracts encumbering OS/2 -- now the linchpin of its PC strategy and the subject of an upcoming TV ad blitz.

"It removes some confusion customers may have had about our ability to continue with the strategy we've been on," said Leland Reiswig, the assistant general manager in charge of IBM's PC programming.

Mr. Reiswig signed the final IBM-Microsoft resolution in mid-June. Microsoft added its own signatures and faxed the agreement back to IBM near midnight Pacific time on June 21.

In using its software patents as a negotiating weapon, IBM chose its adversary well. Courts and scholars disagree widely over whether patent law -- originally written to protect mechanical inventions -- should also extend to software, a hybrid of text and machine. But Microsoft, the software industry's biggest player, takes a hard line on software protection, and indeed is busily amassing its own software patents.

Under the IBM-Microsoft resolution's terms, each company will give the other a long-term license to software patents. IBM demanded an additional sum from Microsoft -- said by participants to be in the range of \$20 million to \$30 million -- because IBM has many more patents than Microsoft.

IBM has similar cross-licensing agreements with hundreds of makers of computer hardware, but said the Microsoft partnership marked the first time it has entered such a deal with a company that principally makes software.

IBM officials also indicated they are likely to approach other software companies and seek similar accords. That will be a delicate balancing act for Big Blue. It could legally be in a position to demand steep payments from thousands of large and small software companies. At the same time, in its mounting competition against Windows, it is courting these same software companies to write programs for OS/2.

As part of the resolution, Microsoft said it will continue showing IBM the underlying code for

Windows until September 1993. IBM has used portions of Windows in OS/2 so that OS/2 can handle programs designed for Windows.

Microsoft also said it won't show IBM the underlying code for its next big operating system, called NT. That will complete the evolution of IBM and Microsoft's PC strategies into two completely different software designs.

Credit: Staff Reporter of The Wall Street Journal

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## Texas MAP survey: CPAs big on computer consulting but slow to open Windows

*The Practical Accountant*, Boston, Apr 1996, Demery, Paul

**Volume:** 29  
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**Start Page:** 8  
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Polls & surveys  
Niche marketing  
Fee income  
Accounting firms  
Statistical data  
Polls & surveys  
Niche marketing  
Fee income  
Accounting firms

**Classification Codes:** 9190: US  
9140: Statistical data  
9000: Short article  
7000: Marketing

**Geographic Names:** US  
US

### Abstract:

*When it comes to using Windows-based software for internal use, accounting firms are still holding back, according to the annual MAP Survey released last month by the Texas Society of CPAs. The nationwide survey revealed that computer software selection and installation is offered by 47% to 67% of sole practitioners, the percentage rising along with the size of practitioner's net fees.*

### Full Text:

*Copyright Faulkner & Gray, Inc. Apr 1996*

Among the many practice niches accounting firms have entered to supplement traditional tax, audit and accounting work, computer software consulting stands out as one of the three or four most popular. But when it comes to using Windows-based software for internal use, firms are still holding back, according to the annual MAP Survey released last month by the Texas Society of CPAs.

The nationwide survey, which is based on 1995 data compiled from about 1,900 firms, computer software selection and installation is offered by 47% to 67% of sole practitioners, the percentage rising along with the size of a practitioner's net fees. Among multi-owner firms, the percentage ranges from 52% to 85%, again rising along with the amount of net fees.

But though Windows is the installed operating base of the lion's share of the computer market, accountants are turning to it for their internal use in relatively small numbers. Among sole practitioners and multi-owner firms, the use of Windows for word processing or spreadsheets ranges from 37% to 55%. But use of Windows for tax preparation and research ranges only from 18% to 5%, and the use of Windows audit software is under 10% for all but the largest of firms. The survey also noted that 31% to 48% of respondents didn't use Windows at all.

### Popular practice areas

Other findings of the survey noted that international activities represent up to one-tenth of the revenues of 12% to 41% of firms. This was particularly common among the 25% most profitable firms, whether they were operated by sole practitioners or multiple owners. The most common service provided was tax work, followed by compilations, write-up, data processing and management advisory services.

Other popular practice areas include personal financial planning, litigation support, business valuation and payroll processing.

The survey, which has been upgraded this year with improved graphical presentations, also covers areas such as net income and fees, personnel policies, balance sheet ratios and billing rates. Copies are available for \$50. Call (214) 639-6000.

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## IBM: IBM announces network services promotional offer

M2 Presswire, Coventry, Jul 7, 1998,

**Sub Title:** [2]

**Start Page:** 1

**Abstract:**

**M2 PRESSWIRE-7 July 1998-IBM: IBM announces network services promotional offer (C)1994-98  
M2 COMMUNICATIONS LTD**

*IBM today announced a special promotional offer that provides credits of up to \$100,000 toward standard charges for new U.S. customers of IBM's network services who install or upgrade selected models of the AS/400 or RS/6000 computers, or who obtain TCP/IP Smoothstart software services from IBM Global Services.*

*In order to qualify for credits, customer mid-range installations must occur between July 1, 1998 and December 31, 1998. Available under the promotional offer are a wide range of network services, including most IBM Managed Data Network Services frame relay-based connections, Internetworking and Multiprotocol solutions; SNA, IP, and Multiprotocol remote access offerings, as well as most features provided by the IBM Internet Connection corporate dial and direct services.*

**Full Text:**

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*"Our goal is to introduce new customers to the value of using our services, to make it easier for them to solve their networking needs and to save them some money along the way," said Bruce Jackson, vice president, managed data network services and network technology, IBM Global Services. "When customers compare the reach of the IBM Global Network, our superior technology and experiences, world-class reliability and security, ease of doing business, and end-to-end network connection and hardware, it's a total solution that really can't be beat."*

*Network services are provided over the IBM Global Network, one of the world's largest data networks that provides leased line and dial access service from 900 cities and 100 countries. In addition, local dial access for Internet e-mail and the World Wide Web is provided from approximately 1,350 locations in 53 countries, including more than 600 that comply with the new V.90 international modem standard for 56 Kbps speeds.\**

*The promotional offer includes IBM AS/400 models 170, 600-650, and S10-S40 IBM RS/6000*

models include the 397, J50, 595, RS0, 570, E30, F40, F50, H50, 140, and 240. TCP/IP Smoothstart services installation of the software on an IBM AS/400 by an on-site services specialist who tailors the hardware, software, and network services to meet customer needs.

The total network services credit customers receive is determined by the qualifying installations during the promotional period with each installation generating a number of points. Credits range from \$5,000 to a cumulative maximum of \$100,000.

**IBM Managed Data Network Services** are a broad range of wide area data network solutions that help companies connect people to the vital business information and applications they need to do their jobs and to help them extend their market reach securely and effectively. The services make it easy to link remote or local employees, customers, and trading partners while helping to reduce investments in network personnel and systems.

IBM Global Services, with headquarters in Somers, NY, provides information technology solutions that enable enterprises to lead in their marketplaces. With 1997 revenue of approximately \$26 billion and 110,000 professionals in 164 countries, IBM Global Services is the world's largest and most versatile services provider. Its capabilities span business transformation consulting, strategic outsourcing, systems integration, product support services, education and training, and managed network services over the IBM Global Network. For more information, please visit <http://www.ibm.com/services> or call (800) 455-5056.

\* 56Kbps modems are designed to be capable of receiving data up to 56Kbps from a V.90, x2 or other compatible service provider and transmitting data at up to 33.6Kbps. Public networks in the U.S. currently limit maximum download speeds to about 53 Kbps. Actual speeds depend upon many factors and are often less than the maximum possible.

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# CONTROL ENGINEERING

## Implementing industrial networks

*Control Engineering*, Barrington, Jul 1998, Mark T Hoske,

**Volume:** 45

**Issue:** 9

**Start Page:** 114-119+

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**Subject Terms:** Manufacturers  
Communications networks  
Network topologies

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8600: Manufacturing industries

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**Geographic Names:** US

### Abstract:

*Successful implementation is key to any project, no less for installing an industrial network - a field-, sensor-, or device-level bus. Implementing an industrial network - selecting a topology and devices, training, installation, device tagging, getting software up and running, and maintenance - can challenge the most ardent network proponent.*

### Full Text:

*Copyright Cahners Magazine Division of Reed Publishing USA Jul 1998*

#### [Headnote]

Now that you've decided to use an industrial network and selected one, "what's the next step? As with any automation project, implementation is key.

#### [Headnote]

YEAR OF THE NETWORK

#### [Headnote]

Networks and communications Fieldbus Device-level networks Sensor-level networks

Successful implementation is key to any project, no less for installing an industrial network-a field-, sensor or devicelevel bus.

The irony of a network implementation gone bad wouldn't be lost on participants: communication networks are supposed to increase and improve information flow and maximize available assets, human, and capital.

#### [Table]

**Caption:** How to Select an Industrial Network

At implementation, the network user has already gathered information in several key areas. Choosing to use an industrial network may be the easiest decision. Benefits abound for automation or process control using field-, sensor-, and/or device-level buses (see below).

Selecting an industrial network among more than 50 choices is more difficult-few devices, at this time, interoperate, or work on more than one network. Application complexities along with industry and regional preferences make use of a single network within a plant, much less the world, unlikely for the foreseeable future. Networks with more installed base generally have more available devices at lower

cost but selection criteria are many. (See "How to select a Network.")

Implementing an industrial network-selecting a topology and devices, training, installation, device tagging, getting software up and running, and maintenance-can challenge the most ardent network proponent. Some networks are easier to work with than others, for most users, the more "transparent" the network is, and the more automated the process of configuring or reconfiguring is, the better. Industrial network benefits

#### [Table]

##### Caption: Sampling of Industrial Networks

Benefits of industrial networks have been well documented. According to a recent Venture Development Corp. (Natick, Mass.) study, "The U. S. Market for Industrial Automation Products Incorporating Device/Sensor Buses..." the identified strengths are:

Less wiring and installation labor;

Fast throughput;

Flexibility in ease of expansion;

Good diagnostics;

Simple to use;

Large data capability; Easy to install and put into operation; High reliability and robustness; Strong vendor support; and Openness.

Weaknesses cited covered some of the same topics, showing all networks and users' perceptions aren't equal. The report provides information on As-I, DeviceNet Interbus, LonWorks, Profibus DP, SDS, and Seriplex.

#### Implementations underway

At the field level, as with device and sensor networks, users are implementing communications

Ferrous Steinka, Relcom (Forest Grove, Ore.) engineer, Fieldbus products, sees "substantial" interest in FOUNDATION fieldbus 31.25 kbit/sec H1 network protocol (based on the ISA SP50/IEC 1158 standardization efforts).

"Sales of our Fieldbus connection blocks have been doubling each month for the last four months," Mr. Steinka noted in June. Relcom's "involvement with the Fieldbus Foundation is in testing of Fieldbus wiring, conformance testing the 'physical layer' of Fieldbus devices, helping wire trade shows for Fieldbus demonstrations, etc., rather than the network protocol or devices."

Relcom's well-received "Fieldbus Wiring and Installation Guide," provides practical advice on wiring (diagram), according to the application, showing the differences between a home run and chickenfoot.

Mr. Steinka says implementations have shown the wiring FF specs are conservative. "Potential users of [FOUNDATION] fieldbus would be interested to know that the signalling on Fieldbus wiring is

extremely robust. The distances that can be spanned and the length of spurs off the main cable are several times those specified in the Fieldbus standard." (see also ARCO implementation note.)

**[Chart]**

**Caption:** Understanding a FOUNDATION FIELDBUS Configuration

As users find greater needs for connecting and maintaining the people, assets, and information that comprise their businesses, industrial networks will continue to gain market acceptance.

For more information, circle the numbers below or in the "Sampling of Industrial Networks Table" or visit [www.controleng.com/info](http://www.controleng.com/info).

**[Table]**

**Caption:**

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all*

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L1 15 SEA (PC? OR PERSONAL COMPUTER? OR COMPUTER?) (19A) (LOAD OR INSTAL) (11A) (SOFTWARE) (31A) (SELECT OR US)

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L3 1 KWIC, NCL D L3 2-4 KWIC, NCL

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L5 1 KWIC, NCL

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L7 1 CLM D

L7 1 ABS D

L7 2 KWIC, NCL D

L7 3 KWIC, NCL D

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L12 14 SEA L10 AND (705/! OR 705/!!)/NCL  
D

L12 1 KWIC, NCL D L12 2-3 KWIC, NCL

L12 2 KWIC, NCL D

L12 2 CLM

D L12 4-5 KWIC, NCL

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Number	Search	Results found
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7	(pc? or personal computer?)w/14 (software?) w/21 (encrypt? or encod?) w/21 (unencrypt? or decrypt? or decod?)	1 Considered all
6	(pc? or personal computer?)w/14 (software?) w/21 (encrypt? or encod?)	50 Scanned titles
5	(pc? or personal computer?)w/14 processor? w/12 software? w/17(erase? or delete? or cancel? or remove?)	1 Considered all
4	(pc? or personal computer?)w/14(creat? or generat? or produc?)w/13 list? w/11 software?	25 reviewed all
3	(pc? or computer?)w/21(software?)w/12(pay? or fee? or charg? or cost?)w/51 royal?	12 reviewed all
2	(pc? or computer?)w/21(software?)w/11(load? or install?)w/12(select? or usabl?)	34 Scanned titles
1	(software?)w/11(load? or install?)w/12(select? or usabl?)	50 Scanned titles

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#### Results found

6	(pc? or personal computer?)w/14 (software?) w/21 (encrypt? or encod?)	50
5	(pc? or personal computer?)w/14 processor? w/12 software? w/17(erase? or delete? or cancel? or remove?)	1
4	(pc? or personal computer?)w/14(creat? or generat? or produc?)w/13 list? w/11 software?	25
3	(pc? or computer?)w/21(software?)w/12(pay? or fee? or charg? or cost?)w/51 royal?	12
2	(pc? or computer?)w/21(software?)w/11(load? or install?)w/12(select? or usabl?)	34
1	(software?)w/11(load? or install?)w/12(select? or usabl?)	50

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Set      Items      Description  
 S1      4004      (PC? OR PERSONAL COMPUTER? OR COMPUTER?) (17N) (LOAD? OR INS-TALL? OR DOWNLOAD?) (11N) (SOFTWARE?) (11N) (SOFTWARE?)  
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     2863407 SELECT?  
     1867742 SOFTWARE?  
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     377602 ENCOD?  
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S12	0	S1 AND S16 AND (PY<1998)
S13	0	S1 AND S11 AND (PY<1998)

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S6	0	DOWNLOAD?)
S7	2309	(NON-SELECT? OR UNSELECT?) (15N) (SOFTWARE?) (15N) (COMPUTER?) -
S8		(COMPUTER? OR PC? OR PERSONAL COMPUTER?) (16N) (SELECT?) (15N-)
S9	31	S1(3S)S7
S10	21	S8 AND (PY<1998)
S11	1	S9 AND (ROYAL?)
S12	16	(CONVERT? OR CHANG?) (15N) (SELECT?) (12N) (SOFTWARE?) (15N) (EN-CRYPT? OR ENCOD?) (21N) (DECRYPT? OR DECOD? OR UNENCRYPT?)
S13	0	S1 AND S16 AND (PY<1998)
?	0	S1 AND S11 AND (PY<1998)

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Your wildcard search against 2000 terms has yielded the results below

Search for additional matches among the next 2000 terms

starting with: **SELECT\$(SELECTIONS]).)P28-P87,P89-P89,P23-P27,P20-P22,P1-P18,P19-P19.**

**Search Results ~**

Terms	Documents
(software\$)near15(covert\$ or chang\$)near15 (select\$)near15 software\$ near15 (encrypt\$)	0

US Patents Full-Text Database  
US Pre-Grant Publication Full-Text Database  
JPO Abstracts Database  
EPO Abstracts Database  
Derwent World Patents Index

**Database:** IBM Technical Disclosure Bulletins

(software\$)near15(covert\$ or  
chang\$)near15 (select\$)near15 software\$  
near15 (encrypt\$ or encod\$) near15

**Refine Search:**

[Clear](#)

**Search History**

**Today's Date:** 9/20/2001

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Search for additional matches among the next 2000 terms

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**Search Results -****Terms****Documents**

(pc\$ or personal computer\$ or computer\$) near15 (creat\$ or generate\$) near15  
(select\$ or usab\$) near25 royal\$\$

0

- US Patents Full-Text Database
- US Pre-Grant Publication Full-Text Database
- JPO Abstracts Database
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**Database:****Refine Search:**

(pc\$ or personal computer\$ or computer\$)  
near15 (creat\$ or generate\$) near15  
(select\$ or usab\$) near25 royal\$\$

**Search History****Today's Date:** 9/20/2001

<u>DB Name</u>	<u>Query</u>	<u>Hit Count</u>	<u>Set Name</u>
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(pc\$ or personal computer\$ or computer\$) near15 (creat\$ or generate\$) near15 (select\$ or usab\$) near25 royal\$\$	0	L6
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(load\$ or install\$) near15 (pc\$ or personal computer\$ or computer\$) near15 software\$ near15 unusable\$	2	<u>L5 Consider all</u>
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	I3 and ((705/1  705/2  705/3  705/4  705/5  705/6  705/7  705/8  705/9  705/10  705/11  705/12  705/13  705/14  705/15  705/16  705/17  705/18  705/19  705/20  705/21  705/22  705/23  705/24  705/25  705/26  705/27  705/28  705/29  705/30  705/31  705/32  705/33  705/34  705/35  705/36  705/37  705/38  705/39  705/40  705/41  705/42  705/43  705/44  705/45  705/400 )  CCLS. )	4	<u>L4 Consider all</u>
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(storag\$) near15 (device\$ or apparatus\$) near15 select\$ near15 software\$	158	L3
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(storag\$) near15 (device\$ or apparatus\$) near15 select\$ near15 software\$ near33 royal\$	0	L2

USPT

ty

23076

L1

<u>DB Name</u>	<u>Query</u>	<u>Hit Count</u>	<u>Set Name</u>
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(software\$)near15(covert\$ or chang\$)near15 (select\$)near15 software\$ near15 (encrypt\$)	0	L7
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(software\$)near15(covert\$ or chang\$)near15 (select\$)near15 software\$ near15 (encrypt\$ or encod\$)	4	L6
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(software\$)near15(remove\$ or erase\$ or delete\$ or cnace\$)near14 (non-select\$)	1	L5
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	software\$ near21 select\$ near41 royalt\$	3	L4
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	software\$ near21 select\$ near15 non-select\$ near41 royalt\$	0	L3
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	software\$ near21 select\$ near15 non-select\$	11	L2
USPT,PGPB,JPAB,EPAB,DWPI,TDBD	(pc\$ or personal computer\$ or computer\$) near14 software\$ near21 select\$ near15 non-select\$	1	L1